

Jean Kerr Korman

Cleveland
T 216.363.4177
jkorman@beneschlaw.com

Overview

Jean focuses her practice on construction law (both public and private), real estate law, insurance coverage, surety bonds and commercial litigation. She has litigated more than 150 disputes in various U.S. District Courts, State Courts, and arbitration forums throughout the United States including the prosecution and defense of delay, disruption and loss of efficiency claims, and post-acceptance design, defect and deficiency claims.

Jean has successfully represented owners, contractors, and sureties in the defense and prosecution of default termination claims and default takeovers. She has extensive motion practice experience in both litigation and arbitration proceedings, successfully prosecuting and defending various substantive and procedural motions to narrow the disputed issues resulting in favorable settlements and judgments on behalf of her corporate clients. Jean's successful motion practice has resulted in several reported and unreported opinions that clarify the law and bring greater certainty for decision-making by her corporate clients. She also has extensive appellate practice, briefing and arguing to affirm and reverse decisions before Ohio state and federal appellate, district and supreme courts.

Jean's litigation and appellate practice benefit from her extensive transactional experience drafting and negotiating various construction-related agreements on behalf of owners, developers, contractors, design professionals, and construction managers related to every type of project delivery method, including engineering, procurement and construction ("EPC"), integrated project delivery ("IPD"), design-build, fast-track and traditional design-bid-build. She has extensive experience serving as project counsel for both public and private owners throughout the United States advising on project delivery methods, financing, contract negotiations, bidding and contract award, construction progress, documentation, and close-out and post-occupancy issues related to design and construction. Clients are advised during the course of the project as disputes arise about how to document claims, mitigate damages and understand their legal rights, obligations and remedies in the jurisdiction where the project is located. Claims that cannot be resolved are prosecuted or defended through negotiation, mediation, arbitration, and/or litigation.

Representative Matters

- Drafted and negotiated construction agreements and easements for development of landfill renewable natural gas facilities, natural gas pipelines and interconnection facilities.
- Represented one of the largest multifamily developers in the country as the seller in its disposition of an affordable housing property in Texas, which involved collapsing a ground lease structure to sell fee title to the property, negotiating equity contributions to fund closing contributions by the partnership of the property-owning partnership and the defeasance and later redemption of bond financing.
- Negotiated and drafted documents to amend easements following an encroachment during site preparation for new hotel development.
- Represent owners in disputes with contractors and subcontractors for recovery of completion costs following a default of the contractor.
- Advised sureties on performance obligations following an owner's default termination of a contractor and negotiated takeover agreements when surety was obligated to complete the project.
- Represented contractors and subcontractors in disputes with the owner for an equitable adjustant to the contract price as a result of the delays, disruptions and interference outside the control of the contractor.
- Represented a client in litigation to enjoin the use of copyrighted architecture drawings and recover lost business profits.
- Assisted a client in identifying a Project Delivery System and preparing agreements for conversion of historical buildings into new commercial properties.

Credentials

EDUCATION

- The Ohio State University, 1981, B.A.
- Cleveland State University College of Law, 1990, J.D., *cum laude*
  - Moot Court Team
  - Law Review

BAR & COURT ADMISSIONS

- Ohio
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. Court of Appeals for the Sixth Circuit

Memberships

- Member, American Bar Association, Construction Section
- Member, Ohio State Bar Association, Construction Section
- Member, Cuyahoga County Bar Association
- Member, Cleveland Metropolitan Bar Association

News & Insights

- Benesch Ranks in Midwest Real Estate News
  October 30, 2023 | Press Releases
- Benesch Represents Goodyear in the Development, Financing and Construction of its New Global Headquarters
  October 30, 2023 | Press Releases
- Blog Post: Ohio Appellate Court Holds That Aggrieved Customer Has Standing To Pursue Bond Claim Against Surety
  October 30, 2023 | Contributed Content & Presentations
- 3 Firms Steer $81M Chicago Mall Deal
  October 30, 2023 | Media Mentions